

Dear Jim,

6/24/78

There was a period of about an hour and a half early this morning in which I could not sleep although I intended to. I did doze infrequently and I did think a bit only to have the thoughts interfered with by the dozing. I'd gone to bed early to rest more but was up as usual after less than six hours.

Twice yesterday I had difficulty walking straight and had to force myself to walk at all. Once was in the morning, when I took Lil to the grocery store, once after supper when we returned from getting me the step-at-a-time gadgets for easing the withdrawal symptoms of stopping smoking. In the morning, when it had been 16 or more hours since I'd had a cigarette, it was worse, with my head unclear, too. Almost as though I were going to pass out. I got a pack of cigarettes, smoked one and gave the rest to Lil to hide from me. I also got and ate a candy bar for the quick energy, then returned to the car and sat and waited for Lil. It did not influence my head in the evening but I could not walk easily, had to force myself and then at a slow pace. I did force myself for close to a half hour, believing I should for the exercise and help to circulation. But it did tire me. In fact, I was tired before then. Slept sitting up through the last half of the CBS news.

I've not had time for physical exercise more vigorous than walking and have to await the full effect of the herbicides before I return to mowing but I do not think the lack of more vigorous exercise accounts for it. I've begun to swell again and went back on the diuretic this morning. I'm not certain how much is from addiction but I believe some is. Once before I almost split my head when I tried to cold turkey an end to smoking. I don't believe it is all psychological after 50 years of the habit.

Anyway, it is not an easy time for me. Without this it would not be easy, either.

Not being able to return to sleep is rare. Generally I fall asleep almost when my head is down and return to sleep if I awaken without difficulty. Generally I'm not awake or awake again until about 4:30.

I was trying to take stock this morning. As best I could conclude I did conclude that I'm being wasted and that my efforts to deter this have been blunted. I believe that one of the means of blunting this has been your reluctance to let me go after the Government's lawyers. I believe that unless and until we do there is absolutely no possibility that they will not continue to waste me, keep me from doing anything I can call work.

Look back on 1996 for the past two years and ask yourself what do we have that we did not have on its ways as of two years ago? The actual answer is not that we got much, as we did, but that a) we got nothing that we were not getting in any event and that after two years we b) still have to go after what I sought, what was withheld.

If there is no definitive answer to the question "why" I believe what comes closest is your backing off from your Singapore decision to go after the government's lawyers and what they had done. (You may recall I did as much work as a book would have required while you were there and every single bit of it was totally wasted.)

After the last of the deliberate misrepresentations by government lawyers in court you agreed for me to file an affidavit addressing this. I resubmitted it to you and I made a lengthy effort to explain why I believe it is important for this to have been filed so that they would have ample time to reach before the status call of this coming Monday. If you have filed it you have not told me. I believe you have not filed it.

There are these great time pressures we both face. Each thing we do is at the cost of something we do not do. And we may never know what is right. But I believe, rightly or wrongly, that the approach I've been wanting to take for a long time is the essential one. If I do not know how it would have worked out (although I do have some beliefs on this) I do know how not taking it has worked out. For me it is disastrous. I look back on two years of non-productive work. What has been productive has taken relatively little time. Like 2155 - a hard week and it was over.

What do we have in the Dallas case now? A repetition of 1996, the arrogation of the right to withhold most of the records on the ground they have been provided from HQ files.

Now do you think that ~~in~~ my age and my condition I can fight this as I fought it (getting nowhere) in 1996?

The way we are going they can easily waste the rest of what life I have remaining.

Most of what I had to take time reading in 1996 was not even suited for toilet paper, in terms of my own work. It has other values that mean nothing to me and my work. It was an ~~in~~ impediment to my work. For not less than a year and a half the litigation has prevented my making any use of what I've obtained in or from it, has prevented my doing any writing. This is a great futility and it represents a way of spending my time that I think we cannot justify.

I think we have to avoid a situation in which we engage in the normal rituals of the law, the intellectual sophistries of lawyers in which they tilt with each other in the ways they are taught. These gain nothing for us and waste much for us.

We should never have permitted the imposing of the consultancy on me. Once we did we should never have permitted the gross and deliberate misrepresentations of it by government counsel. If we now make some efforts along that line the timing is not nearly as good or as right.

This is incredibly abusive of me, as I think you have not stopped to consider. I let these corrupt people waste me and then lie to a judge about it and do nothing but permit myself to be wasted? And what remains of my self-respect if I do nothing in opposition to it?

The time pressures impose great limitations upon us but I am not going to accept all these lies and misrepresentations without a vigorous reaction that I would ~~prefer~~ prefer to be in the record. In fact I believe it is essential that it be in the record in the interest of the Act and as one of the means by which we might deter both of us being wasted to nullify our work.

If there is anything wrong with my affidavit on the government lawyers please correct it, have it retyped, and I'll pay for the costs until you recover them. It is possible that from the haste or not being able to locate some of my records I may have made a mistake but I am certain there is nothing in it that is not faithful to the situation. I am also certain that it was an essential prerequisite to the status call that will be over before you can read this. We simply can't be spending all our time defending what ought not have to be defended to begin with and this is what we've been doing. There is no chance I can expect to live long enough to survive the consequences as there is also no chance of my ever getting time for any other work from this kind of procedure.

I do want this filed and I do want the government to have to face it and I do want the judge to be aware of it and I do want it as a means of the judge escaping the consequences of what she has made possible. Above all I do want this as an effort to end what these people have been doing and continue to do to me. Without it they will never stop it. Witness Metcalfe's promising a copy of the Dallas inventory more than two months ago and not providing it, my saying I will not accept their selection of the files I'm to get and their making this selection despite that and without a single word from him to you. Please come to understand that I am perishable and this will never end the way we are permitting it to go. As I told you when I gave it to you you can disown it for all I care, merely provide a memorandum in which you state your client has asked you to file it to bring what your client wants before the court. But I do want it before the judge, as we had agreed not for the first time yet without it being done for the first time.

We also have become rigid and can't. We just can't waste your precious time in ~~xxxx~~ what is essentially quixotic tilting at their windmills. Sure you are now entitled to decent fees and I'm anxious for you to obtain them because of what they can mean to you and to your capabilities. But those fees are safe, with the possible exceptions of the appeals in 1448 and 226. I will want to address these with you separately if I do not get it in writing. I've not yet decided what to do when the Dallas records come today, if they do. I may ignore them except for duplicating the worksheets so I can have

a set for you on Monday. If they come today. They should have been here any before yesterday.

I can see better fees for you and I am anxious for you to get them.

I would also like to be able to figure what future I have and how to make it less inefficient. There is no means of this happening except from damage suits. We have been talking about them for two years. I think the time has come from an abrupt switch to them, letting whatever else has to slide become secondary. I think they can be much less secondary by a change in our tactics and strategy but if they have to become secondary, let them. The real time pressures for me are on these damage suits. I believe the chances of collection are very good if the statute does not run. I believe there may be some reasonable prospect of out-of-court compromises that we could accept. And while the field from which I might be able to obtain an assistant is now considerable narrowed there is nothing aside from a ~~lengthening~~ lengthening of the years I may still expect that does or can mean as much to me as being able to pay an assistant.

If I can face the fact that my physical capabilities are diminished and lose no sleep from this recognition you need not avoid it. It has to be faced or I'll continue to be wasted, and the work I might yet do will go undone.

If there are returns from such cases there is no problem with how to use them. "ell is two years past the point where I obtained the proof that guarantees a minimum of more than \$5000. I've offered up to 100% of this for fees and that should make the suit no drag on counsel.

But I am concerned about the Shaw decision because it alters all I expected could be. It means that these efforts have to be made while I live and that additional efforts must be made by those who lose from my death. In this case we do not have what Shaw had, a mere estate, although there is that. We have many other considerations I'd like to have time to discuss with you and Howard as soon as he is located in DC and can spare a little time for it.

We have to talk about GHA very soon. I think all it requires of you is obtaining co-counsel and I think you have no real problem there. This has many importances for me.

We have to talk about filing damage suits against those officials who have damaged me and we have to include the archive I will leave as co-plaintiff. This may require a more formal establishment of it. Maybe if Dave's really dynamic chancellor does not run for the nomination he may be able to give this some thought. The man impresses me enormously. He has know-hows and he is a sharp analyst of political matters. We also must, as you said, read the Shaw decision.

We have to make an abrupt shift of emphasis. We have to do it rapidly. We have to find ways in which we can accomplish what he have set out to accomplish without drizzling years away in the effort - and we can. We have to come to an understanding of what can be most productive and not remain in a situation in which we merely react. We may have come to where we should consider abandoning some efforts to concentrate on others. I do find myself wondering about both or all three appeals, Louw/Life pix, which mean ~~little~~ little to me now if it takes any amount of work for you; spectro and 1448. I'd much prefer that the later two be handled as political matters, which they are, with the minimum effort on the legalities.

We do require more flexibility, not easy when we have no time to sit back and think things through. We can churn the same ground lifting water out of a stream, ~~xxxxx~~ like animals do in primitive lands, but that amount of water today means very little to us.

Let us try to find time for sitting down, talking this through and then doing what we agree to. I don't want a situation in which I spend weeks drafting affidavits that get forgotten or a situation in which I have to recognize that it is a futility for me to draft affidavits. The last one is not the only one of these.

After you have time to think of these things I hope you can consult with Howard and Dave about them. They are oppressive and very limiting to me. Best,